

**GLENDALE CITY COUNCIL WORKSHOP SESSION**  
**Council Chambers – Workshop Room**  
**5850 West Glendale Avenue**  
**November 15, 2005**  
**1:30 p.m.**

**WORKSHOP SESSION**

1. [ESTABLISHMENT OF CITIZENS BOND ADVISORY COMMITTEE & VOTER AUTHORIZATION ELECTION](#) – 1 HOUR
2. [MOTORIZED SKATEBOARD ORDINANCE](#) – 1 HOUR

**CITY MANAGER’S REPORT**

**This report allows the City Manager to update the City Council about issues raised by the public during Business from the Floor at previous Council meetings or to provide Council with a response to inquiries raised at previous meetings by Council members. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.**

**COUNCIL COMMENTS AND SUGGESTIONS**

**EXECUTIVE SESSION**

1. LEGAL MATTERS
  - A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city’s position in pending and contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §§38-431.03 (A)(3)(4)).
2. LEGAL MATTERS – PROPERTY & CONTRACTS
  - A. Discussion/consultation with the City Attorney and City Manager to receive an update, to consider its position, and provide instruction/direction to the City Attorney and City Manager regarding Glendale's position in connection with the proposed assignment of a development agreement relating to property located at 99th Avenue and Camelback Road. (A.R.S. §§ 38-431.03 A(3) and A(4))
  - B. Discussion/consultation with the City Attorney and City Manager to consider its position and provide instruction/direction to the City Attorney and City Manager regarding Glendale's position in connection with the possible purchase of property

located at approximately 43rd and Peoria Avenues, which property is the subject of negotiations. (A.R.S. §§ 38-431.03 A(3), A(4) and A(7))

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

**Confidentiality Requirements Pursuant to A.R.S. §38-431.03 (C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.**



CITY OF GLENDALE

# Council Communication

## Workshop Agenda

11/15/2005

Item No. 1

TO: Honorable Mayor and City Council

FROM: Ed Beasley, City Manager

PRESENTED BY: Raymond Shuey, Chief Financial Officer  
Sherry M. Schurhammer, Budget Director

SUBJECT: **ESTABLISHMENT OF CITIZENS BOND ADVISORY  
COMMITTEE & VOTER AUTHORIZATION ELECTION**

### *Purpose*

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- This is a request for City Council to provide direction regarding the appointment of a Citizens Bond Advisory Committee to consider the issue of additional voter authorization for capital projects and the timing of a bond election.

### *Background*

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- Under Arizona law, voter approval is required for municipalities to issue some types of debt for capital projects. Prior bond elections in Glendale occurred in 1999, 1987 and 1981.
  - The 1999 election resulted in approval of approximately \$411,500,000 in voter authorization for a variety of G.O. bond categories. This amount included \$38,050,000 of HURF bonds (streets and parking authorization) and \$10,000,000 of water and sewer bonds that also could be issued as G.O. bonds.
  - The 1987 election resulted in approval of \$203,281,000 in voter authorization for a variety of G.O. bond categories, including HURF bonds.
  - Remaining voter authorization is shown in the following table.

| CATEGORY                                     | REMAINING<br>AUTHORIZATION |
|--|----------------------------|
| Cultural Facilities/Historic Preservation    | \$13.7M                    |
| Economic Development                         | \$34.4M                    |
| Flood Control                                | \$23.8M                    |
| Government Facilities                        | \$28.9M                    |
| HURF (can use streets/parking authorization) | \$9.9M                     |
| Landfill Development                         | \$15.5M                    |
| Library                                      | \$17.1M                    |
| Open Space & Trails                          | \$50.5M                    |
| Operations Center                            | \$6.2M                     |
| Parks & Recreation                           | \$15.2M                    |
| Public Safety (Court, Fire, Police)          | \$54.9M                    |
| Streets & Parking                            | \$15.3M                    |
| Transit                                      | \$6.8M                     |
| Water/Sewer                                  | \$16.3M                    |

- Remaining voter authorization, as shown for the categories listed above, is expected to expire over the next several years based on the approved FY 2006-15 capital improvements program (CIP) published in the FY 2005-06 budget book. The projected capital projects shown in the approved ten-year CIP dictate the need for additional voter authorization.
- The remaining voter authorization for water and sewer is \$16.3 million and \$10 million of that amount is limited to providing sewer in areas of Glendale now using septic systems, per the results of the 1999 voter bond authorization election.
- In order to take advantage of loan programs offered by the Arizona Water Infrastructure Financing Authority (WIFA), state statutes require the recipient city to have available water/sewer voter authorization.
- Other types of comparable financing have been used in recent years for water and sewer capital projects that were not eligible for WIFA programs. For example, in December 2003, the city issued subordinate lien obligations payable from the net revenues of the water and sewer system. These obligations do not require voter authorization because the security for the bonds is limited to the net revenues of the utility system.

## *Options Considered*

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- Two options were researched regarding the timing of a future voter authorization election. The two options are discussed below.
- Staff recommends pursuing a Spring 2007 bond election.

**Option 1: Fall 2006 Primary & General Election**

- There are two fall elections: the Primary Election in September 2006 and the General Election in November 2006.
- The Primary and General Elections are held every other year (i.e., 2006, 2008).
- The deadline for Council to call for a Primary Election (September 2006) is March 28, 2006.
- The deadline for submitting ballot items for a General Election (November 2006) is July 2006.
- The State and Maricopa County control the ballot for the General Election. Both limit the ballot items to those related to state and county issues, such as a statewide initiative item or a countywide ballot issue.
- The following steps would need to be completed by the March 28, 2006 deadline for Council to call a Primary Election for September 2006:
  - appointing a Citizens Bond Advisory Committee,
  - convening meetings of the committee to discuss potential capital projects, and
  - reporting to Council on the committee's recommendations.
- Three councilmember seats are up for re-election as part of the Primary Election in September 2006. Also, the Council salary adjustment proposition is planned for the Primary Election in September 2006.
- The City Clerk has estimated a cost of \$60,000 for a Primary or General Election, based on known costs today. This cost estimate excludes an "all mail" ballot election. The cost for an "all mail" ballot election is estimated to be an additional \$30,000 based on today's known costs.

**Pro:**

- The cost of a Primary and General Election normally is included in the City Clerk's operating budget for the fiscal years when they are scheduled to occur.

**Con:**

- The General Election ballot is limited to state and county issues, such as a statewide initiative item or a countywide ballot issue. If a municipal issue were allowed on the ballot for a General Election, the space allotted would be limited to one line only (a "tag line").
- To meet the March 28, 2006 filing deadline for a Primary Election in September 2006, the steps outlined above for forming a committee, developing committee recommendations and presenting the committee's recommendations to Council would have to run concurrently

with the development of the operating and capital budgets scheduled for December through June, 2006.

- The Citizens Bond Advisory Committee would use the existing capital plan as published in the FY 2005-06 budget book because Council does not adopt the ten-year capital plan for the FY 2006-07 budget until June 2006. As such, future capital projects would not reflect the rapidly rising construction costs that are a result of the hurricanes in the Gulf Coast.

***Option 2: Spring 2007 Special Election***

- A Special Election could occur in March 2007 and/or May 2007.
- Council should formally call for the March 2007 Special Election by November 2006.
- Council should formally call for the May 2007 Special Election by January 2007.
- The following steps would need to be completed by the November 2006 deadline for Council to call a March 2007 Special Election, or the January 2007 deadline for Council to call a May 2007 Special Election:
  - appointing a Citizens Bond Advisory Committee,
  - convening meetings of the committee to discuss potential capital projects, and
  - reporting to Council on the committee's recommendations.
- The City Clerk has estimated a cost of \$120,000 for a Special Election, based on known costs today. This cost estimate excludes an "all mail" ballot election. The cost for an "all mail" ballot election is estimated to be an additional \$30,000 based on today's known costs.

**Pro:**

- The Citizens Bond Advisory Committee would use the CIP that Council will review in the spring of 2006 and published in the FY 2006-07 budget book. As such, future capital projects would reflect the rapidly rising construction costs that are a result of the hurricanes in the Gulf Coast.
- To meet the deadline for calling a March or May 2007 Special Election, the selection of a Citizens Bond Advisory Committee could occur during the spring of 2006. The committee could meet in June, July, August, September, and/or October 2006, with a presentation to Council shortly thereafter.

**Con:**

- The cost of a Special Election is not included in the City Clerk's operating budget so a one-time supplemental request for these costs would be needed for the City Clerk's FY 2006-07 budget.

## *Previous Council/Staff Actions*

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- City Council reviewed the ten-year CIP during the Council budget workshops in March and April 2005. Council approved the CIP, as published in the FY 2005-06 budget book, in June 2005 when it approved the city's overall budget for the current fiscal year.

## *Budget Impacts & Costs*

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- Additional voter authorization would not automatically lead to changes in fees, taxes, or charges other than those required by rate structures approved by Council.
- Arizona state law requires that bond election expenses be paid from current operating funds only. These expenses, as discussed in the election options discussed above, range from \$60,000 to \$120,000, with an additional \$30,000 in each case if an "all mail" ballot election is used. These estimates are based on current known costs. The Primary and General Election expenses of \$120,000 (\$60,000 each) are budgeted in the City Clerk's operating budget every other year (when Primary and General Elections occur).

## *Direction/Policy Guidance*

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Staff is seeking direction from the Council on the following:

1. Appointment of a Citizens Bond Advisory Committee to consider the issue of additional voter authorization for capital projects.
2. Pursue the option of a Spring 2007 election for seeking additional voter authorization.



CITY OF GLENDALE

# Council Communication

## Workshop Agenda

11/15/2005

Item No. 2

TO: Honorable Mayor and City Council

FROM: Ed Beasley, City Manager

PRESENTED BY: Preston Becker, Acting Police Chief

SUBJECT: **MOTORIZED SKATEBOARD ORDINANCE**

### *Purpose*

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- This is a request for City Council to provide direction on the proposed motorized skateboard ordinance banning motorized skateboards from being operated on City of Glendale roadways, sidewalks, on city properties, and parks.
- The Police Department is providing Council with the educational strategy that will be implemented by the Police Department and the city to ensure the public is aware of the Motorized Skateboard Ordinance banning their use on the city's roadways, sidewalks, properties, and parks.

### *Background*

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- In 1996, Glendale enacted an ordinance allowing the operation of motorized skateboards on roadways with several restrictions. Since then due to complaints from Glendale residents regarding noise and safety concerns, several Councilmembers requested that the issue be researched by the Police Department. Council requested a public outreach program to gauge the public's opinion regarding the operation of motorized skateboards in the city prior to exploring any changes to the current city ordinance.
- In April 2005, the Police Department launched a public outreach campaign and the results were provided to Council on July 5, 2005. The public response was overwhelmingly in support of a ban of motorized skateboards on city roadways. Based on the public's input, Council requested an ordinance be drafted. In addition, the Police Department was asked to develop an educational component; to establish a grace period for enactment of the ordinance; and to research the feasibility of conducting a buy back program of motorized skateboards for Glendale residents.



- The Police Department will implement an educational component upon approval of the proposed ordinance. The educational component includes a media release, a Connection article, a City Beat Channel 11 story, distribution of door hangers by patrol officers, and an informational web link on the Glendale Internet site. Patrol officers will be trained on the changes to the Glendale ordinance regulating motorized skateboards. Officers will be provided informational cards that will be given to the public during their contacts with residents. Officers will be asked to inform residents of the change and issue verbal warnings to both the operators and, if the violator is a minor, to the parents of the minor regarding any violations. The Police Department is recommending a six-month grace period after approval of the ordinance.
- The Police Department researched the feasibility of a buy back program. This program would provide an owner of a motorized skateboard some financial reimbursement by surrendering his/her motorized skateboard to the city in exchange for money. Challenges faced regarding a buy back program include; the difficulty in determining the projected number of participants in the buy back program for budgeting purposes; the opportunity for non-Glendale residents to participate in a Glendale funded program; establishment of a fair market value and equitable price for the numerous styles, types, and age of motorized skateboards; inability to determine if the motorized skateboard is truly the property of the individual requesting funds; and related costs to implement a buy back program.
- An additional challenge of a buy back program involves the disposal of the collected skateboards and the hazardous material such as gasoline and batteries used to power the devices. The least desirable disposal method is to place the items in the city landfill. The resale of motorized skateboards is not a viable option due to liability issues. Recycling of the skateboards was explored and could be administered by a city contracted firm, however, the cost benefits of seizing, dismantling and hauling the motorized skateboards resulted in no revenue for the city. The Police Department is recommending against implementing a buy-back program.

## *Previous Council/Staff Actions*

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The following timeline depicts past actions:

- In July 2005 Council provided direction to the Police Department to develop a city ordinance banning motorized skateboards for their review and to include an educational component. Council also requested staff research the feasibility of a buy-back program.
- During April and May of 2005, the Police Department conducted public meetings and a survey concerning the issue of motorized skateboards.
- In January 2005 the Police Department presented Council with a recommendation to ban play vehicles at which time, the Council requested additional information and the public outreach efforts.

- At the July 2004 workshop Councilmembers asked the Police Department for suggestions on strengthening the current ordinance.
- At the April 2004 workshop as a result of on-going public complaints, Council requested that the Police Department provide research on the motorized skateboard use in the city.
- In January of 2003, due to many public complaints, Council asked the Police Department staff to review the current ordinance.
- In July 1999 the ordinance was amended to add the requirement of a notarized permission slip for users of motorized skateboards.
- In January 1996 Glendale adopted the current motorized skateboard ordinance.

## *Community Benefit*

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- The ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks and city property will result in fewer complaints by Glendale citizens regarding safety concerns and noise in residential neighborhoods. The reduction in motorized skateboards on city roadways will reduce the potential for accidents involving motorized skateboard operators.

## *Public Input*

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- The Police Department sought the public's input regarding the regulation of motorized skateboards and provided information on a city webpage, in mailings, and in the news media.
- Public input was obtained in three ways: through an on-line web page survey; a hotline phone number; and during public meetings. The public was notified by utilizing the media, emails to constituents, at district meetings, mailings, a Connection article, and in a City Beat story.
- The Police Department received a total of 473 responses regarding the motorized skateboard issue and 77.6% preferred a complete ban. The surveys received by the Police Department were evenly distributed throughout the City of Glendale.

## *Budget Impacts & Costs*

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- For the educational campaign, Marketing has designed a door hanger card that will be utilized by the Police Department to assist in notifying the public of the new ordinance. The cost to produce 1,000 information cards is estimated to be \$750.
- An attached chart provides estimated costs to implement a buy back program for motorized skateboards, as there is no concrete way to determine how many people would participate in the program. In addition, determining an equitable amount for the reimbursement program is a challenge due to the varying costs for the numerous models of motorized skateboards.

## *Options Considered*

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**Option 1:** Ban use of motorized skateboards without a buy-back program.

**Pro:**

- Reduces calls/complaints by citizens; enforcement simplified; reduces opportunity for accidents involving motorized skateboard operators; reduction in noise issues for neighborhoods.
- Allow owners of motorized skateboards to operate their skateboards in the appropriate areas and/or dispose of their property as they see fit. Less liability to city for costs of handling vehicles and hazardous material.

**Con:**

- Motorized skateboard owners will not be allowed to operate on city roadways, sidewalks, on city property and city parks. Businesses may see a reduction in sales of motorized skateboards.
- Owners wishing to sell or trade their motorized skateboards must do so without the assistance of the city.

**Option 2:** Ban use of motorized skateboards and implement a buy-back program.

**Pro:**

- City of Glendale would provide a partial reimbursement to residents who turn in motorized skateboards.

**Cons:**

- Fraudulent opportunity due to the extreme difficulty in ensuring that only Glendale residents participate in the program.
- No way to ensure that the skateboard is the property of the person requesting funds.
- Hazards, risks, and costs involved in handling the hazardous material (gasoline and batteries) during the disposal of the motorized skateboards.

- Difficulty in calculating an accurate fair market value due to range of prices, styles, age of device, and operable status.
- Challenges involving the disposal of hundreds of motorized skateboards.
- Difficulty in determining the number of motorized skateboards that may be turned in for funds.
- May set precedent for future programs.
- Costs to implement the program and lack of a funding source.
- Time consuming process involving several city departments and no way to recover expenses. No other city has conducted such a program.

## *Direction/Policy Guidance*

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Staff is seeking direction from the Council to:

- Bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.